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ABSTRACT

This report concludes a 15-month research project examining the role that minority status (African American, Hispanic, Asian Pacific Islander, Native American) plays in the processing of youth by the juvenile justice system. The research began with a review and summary of existing research on the issue. A strategy was then developed for identifying existing programs and policies that may have dealt with differential processing of minority youth. Finally, a number of databases were examined to identify methodological problems associated with previous work in this area and to understand the dynamics of juvenile processing. Policy and program recommendations were then developed to address the issue of disproportionate involvement of minorities in the juvenile justice system. Research evidence did demonstrate that race effects, or at least a mixed pattern of race effects, are evident in juvenile justice processing. A survey of states indicated that 27 of 33 states replying did not have any program specifically targeting minorities or working to ensure equity in juvenile processing. A decision-tree model was developed to show the points in the juvenile justice system in which processing inequities could occur. This model makes clear the multiple points at which minority status can influence outcomes for youth. The first step in developing policies to combat differential processing would be to educate local communities and juvenile justice agencies. Recommendations are made for systematic monitoring and self-assessment by juvenile justice agencies, with staff training and other strategies as local situations warrant. (SLD)

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Office of Justice Programs
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ED 461 681

Research Summary

Minorities and the Juvenile Justice System

Research Summary

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The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was established by the President and Congress through the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Public Law 93–415, as amended. Located within the Office of Justice Programs of the U.S. Department of Justice, OJJDP's goal is to provide National leadership in addressing the issues of juvenile delinquency and improving juvenile justice.

OJJDP sponsors a broad array of research, program, and training initiatives to improve the juvenile justice system as a whole, as well as to benefit individual youth-serving agencies. These initiatives are carried out by seven components within OJJDP, described below.

Research and Program Development Division develops knowledge on national trends in juvenile delinquency; supports a program for data collection and information sharing that incorporates elements of statistical and systems development; identifies how delinquency develops and the best methods for its prevention, intervention, and treatment; and analyzes practices and trends in the juvenile justice system.

Training and Technical Assistance Division provides juvenile justice training and technical assistance to Federal, State, and local governments; law enforcement, judiciary, and corrections personnel; and private agencies, educational institutions, and community organizations.

Special Emphasis Division provides discretionary funds to public and private agencies, organizations, and individuals to replicate tested approaches to delinquency prevention, treatment, and control in such pertinent areas as chronic juvenile offenders, community-based sanctions, and the disproportionate representation of minorities in the juvenile justice system.

State Relations and Assistance Division supports collaborative efforts by States to carry out the mandates of the JJDP Act by providing formula grant funds to States; furnishing technical assistance to States, local governments, and private agencies; and monitoring State compliance with the JJDP Act.

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Concentration of Federal Efforts Program promotes interagency cooperation and coordination among Federal agencies with responsibilities in the area of juvenile justice. The program primarily carries out this responsibility through the Coordinating Council on Juvenile Justice and Delinquency Prevention, an independent body within the executive branch that was established by Congress through the JJDP Act.

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OJJDP provides leadership, direction, and resources to the juvenile justice community to help prevent and control delinquency throughout the country.

Minorities and the Juvenile Justice System

Research Summary

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The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.

Foreword

Since the publication of this document in December 1993, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has continued its work in addressing the disproportionate rate with which juveniles from racial or ethnic minorities become involved in the juvenile justice system. National data sources, research studies, and individual State analysis over the past 2 years have documented the fact that minority offenders are also overrepresented in secure facilities across the country. While minority juveniles make up 32 percent of the juvenile population, the most recent Children in Custody Census shows an increase in the percentage of minority juveniles in secure detention and correctional facilities from 53 to 63 percent in the 6-year period from 1987 to 1993.

While the research literature is far from conclusive with regard to the effect that race or ethnicity may play in influencing the differences in the handling of minority youth within the juvenile justice system, it does suggest that racial or ethnic status may be a factor that influences decisions in certain jurisdictions, at particular decision points, during certain time periods, and in response to specific behaviors.

In its continuing work in this area of focus, OJJDP followed the development of this Research Summary with a demonstration initiative entitled Disproportionate Minority Confinement (DMC) that documented a variety of approaches for assessing the minority confinement issue, as well as model programs and strategies for addressing the problem. Five pilot sites (Arizona, Florida, Iowa, North Carolina, and Oregon), the technical assistance providers (Portland State University and Community Research Associates), and the national evaluator (Caliber Associates) participated in the program.

The DMC activity in each of the five States has had a range of effects on the juvenile justice system within those States. While it is too early to determine the overall effect on overrepresentation, the strategies developed and implemented by the participating States and captured by the researchers and technical assistance providers will have a significant impact on the handling of minority youth in the juvenile justice system. Ultimately, it will result in a wide range of alternatives and services designed to reduce disproportionate minority representation.

The final products and techniques developed and documented in the demonstration sites, the manuals created by the technical assistance providers, and the findings of the national evaluator will provide detailed information on this critical topic.

It is my hope that this Research Summary and the forthcoming information reflecting the lessons learned from our efforts in the DMC area will serve as valuable tools for ensuring an equitable juvenile justice system for our Nation.

Shay Bilchik
Administrator
Office of Juvenile Justice and Delinquency Prevention

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Introduction

This report concludes a 15-month research project examining the role that minority status (African American, Hispanic, Asian/Pacific Islander, Native American) plays in the processing of youth by the juvenile justice system.

The research encompassed three major tasks. The first included a review and summary of existing research examining minority status and juvenile processing. The second task required developing a strategy for identifying existing programs and policies that may have dealt with differential processing of minority youth. Finally, a number of preexisting data bases were examined in order to identify methodological problems associated with previous work in this area and to aid in understanding the dynamics of juvenile processing. Based on the results of these tasks, we developed policy and program recommendations to address the issue of disproportionate involvement of minorities in the juvenile justice system, and we proposed an agenda for future research.

This report focuses on the official processing of minority youth and does not deal with the conditions that can lead minority youth into contact with the juvenile justice system. Disproportionate representation may be accounted for by some combination of selection bias on the part of the juvenile justice system and the nature and volume of offenses committed by minority youth. In the latter case, structural and economic factors associated with the urban underclass may result in an increase in the type and number of crimes committed by youthful offenders. Thus, differential involvement in youth crime may, in part, account for the increasing number of minorities coming into contact with the juvenile justice system. However, differential involvement in crime is a different issue from what happens to youthful offenders once they enter the juvenile justice system.

Literature analysis

In the last three decades, a body of literature has accumulated which focuses on the problem of selection bias in juvenile justice systems. Much of this literature suggests that processing decisions in many State and local juvenile justice systems are not racially neutral: Minority youth are more likely than majority youth to become involved in the system. The effects of race may be felt at various decision points, they may be direct or indirect, and they may accumulate as youth continue through the system (Pope 1984; Pope and Feyerherm 1990).

Thus, the research literature raises concerns regarding the juvenile system processing of minority youth and presents a number of issues that need to be addressed. It is critically important to examine this body of research so that strengths and weaknesses can be determined and gaps in our knowledge base be identified. Although racial effects on the adult criminal justice system have undergone thorough review, no one has yet applied rigorous methodology to inquiring just what effect minority status has on juvenile justice.

The effects of race may be felt at various decision points, they may be direct or indirect, and they may accumulate as youth continue through the system.

Efforts to identify research literature on the processing of minority youth in the juvenile justice system centered on publications since 1969, and four data base searches of criminal justice abstracts, sociological abstracts, the social science citation index, and the legal resource index yielded more than 1,000 citations. Relevant major journals included *The Journal of Research in Crime and Delinquency, Criminology, Crime and Delinquency,* and *Journal of Criminal Justice.* Professional society records identified more than 90 scholars who had written on race and crime, and letters to each of them inquired about unpublished or ongoing research in this area.

This process identified about 250 potentially relevant articles. In many of them, however, minority status was not a major focus of the analysis or specific juvenile justice decision points were not included. The research staff selected 46 articles as most relevant,[1] and these constitute the core of the research. These were among the most salient findings:[2]

- Most of the literature suggests both direct and indirect race effects or a mixed pattern—racial effects are present at some stages and not at others. Roughly a third of the studies found no evidence of disparity. The remaining studies found evidence that minorities were treated disproportionately even after statistical controls were introduced. These, however, divided about evenly between those that found an overall pattern of disparity and those we call "mixed." The mixed label can apply when a study examines several decision points (such as intake decisions, detention, and judicial sentence) and finds disparities at only some of those points. It can also apply when a pattern of disparity is only apparent for certain types of offenders or offenses (such as first offenses or personal offenses).
- The studies that found evidence of selection bias are generally no less sophisticated in methodology than those that found no such evidence. Their data are of no less quality. There appears to be no relationship between the rigor of the studies and the findings of disparity. Studies using sophisticated analytic techniques such as log-linear analysis were no more or less likely to find disparities. Recent analysis has become much more sophisticated in its use of complex analytical techniques. Advanced techniques allow an examination of direct as well as indirect race effects that show how minority status may be linked to other case characteristics. For example, most of the studies that use a multivariate design also examine the effects of interaction between minority status and other case characteristics. The use of random samples as opposed to total populations or the use of larger aggregations of jurisdictions (such as statewide) did not appear to explain the differences in findings.
- When bias does exist, it can occur at any stage of juvenile processing. We found studies in which disproportional treatment occurred at each of the major decision points. Of course, fewer large-scale studies examined the decision process of the police than that of any other major decisionmakers,

[1] In order to remain as objective as possible, the authors of this report excluded their own work from the sample.

[2] The extracts that follow have been lightly edited from those appearing at the end of the "Literature Analysis" chapter of the full report.

and those studies tended to examine police decisions made *after* the decision to do *something*. A typical study examined the decision of police to transport a juvenile to a detention facility as opposed to issuing an order to appear at a later date.

- In some instances, small racial differences accumulate and become more pronounced as minority youth proceed further into the juvenile justice system. In particular, our own analysis of statewide data from both California and Florida illustrated this accumulation of disadvantages. Differences between minority and majority offenders increased as youth moved across various decision points.
- Many studies that found no evidence of disparity or only mixed results reached that finding by using control variables in a multivariate analysis. One frequently used variable reflects the theme of family composition or stability. Controlling for such variables appears typically to reduce the difference in treatment received by majority and minority youth. However, in a logical sense what these studies identified was the mechanism by which majority and minority youth are distinguished. Thus, "family situation" may in fact mean "race." Even such "legally relevant" variables as prior arrests may not be racially neutral. If, for example, police were initially more likely to pick up and process African-American youth than white, it enhances race differences within the system. The system needs to address whether these types of variables ought to be used in juvenile justice system decision-making and whether they ought to produce the degree of difference between majority and minority youth that they appear to produce. Finding a statistical method of reducing the difference between majority and minority youth is not enough. Instead we must address the propriety of using these variables at all.

One frequently used variable reflects the theme of family stability. However, "family situation" may in fact mean "race."

Examining these studies together with our own previous research (Pope and Feyerherm 1990) suggests substantial support for stating that both direct and indirect race effects operate within certain juvenile justice systems. Perhaps the most interesting finding is the *number* of studies that report a race effect or a mixed pattern. Literature reviews of the adult criminal justice system often report that race effects are not common, but clearly this is not the case in the juvenile justice system. Here, the evidence suggests that race effects (or at least a mixed pattern) are more pronounced.

Program initiatives

The second phase of this project was to identify program initiatives or policies across jurisdictions that addressed the question of equity or fairness in processing minority youth. The basic question here is, "Are there specific programs targeted toward minority youth that attempt to reduce disproportionate representation or ensure that decisions regarding such youth are reached in an equitable manner?" At this stage, the objective was to identify such programs or policies, not to evaluate them.

Capturing such information involved a relatively straightforward methodology. State Advisory Groups (SAG's) are responsible for advising States and the

Disparity may (mean) either large differences at some one stage or more likely, a series of relatively small differences with a relatively large net effect.

Federal Government on juvenile justice issues. The principal investigators for this report participated at the national meeting of the advisory groups at Jackson, Mississippi, in May 1988. At that time, we explained our project and asked for help in identifying program initiatives, following up with a request by mail. Next, a letter asking for help in finding program initiatives went to chief probation officers in major metropolitan areas. A third mailing went to prosecutors in the five largest metropolitan statistical areas of each State. Then letters and phone calls went to such national organizations as the Urban League, National Association for the Advancement of Colored People, Police Executive Research Forum, Police Foundation, and International Association of Chiefs of Police. Individuals such as academics, community organizers, and juvenile court judges helped identify further contacts, and this "snowball sampling" continued until further efforts appeared unpromising.

In one sense, the overall results were disappointing. The 33 responses received represented 27 States without any programs specifically targeted to minorities or toward ensuring equity in juvenile processing. A number of agencies sent statistical reports, including profiles of youth processed. Other agencies described existing programs (such as projects Pay and Sprite in Wisconsin) that did not specifically focus on minorities. A more consistent response said only that since all youth were mandated to be treated equally, there were no programs specifically geared toward minority populations. A few States such as Georgia, New Jersey, Missouri, and Florida had funded projects dealing with minority overrepresentation, but for the most part, these were research projects rather than action projects.

Secondary data analysis

Apparently very little had been done to develop specific policies about this problem. One possible explanation was the lack of systematic information about differences in processing minority and majority youth. No specific model for information analysis existed to direct inquiry toward segments of the juvenile justice system that might be the greatest contributors to disparity. This section seeks to show how to address this problem using existing juvenile justice data bases.

In the review of literature on the effects of race on juvenile justice processing, a variety of conclusions may be drawn having direct implications for any jurisdiction that may seek to engage in a self-analysis of its own processing to determine the extent of disparities in its handling of minority juveniles. These conclusions can be briefly cataloged as follows:

1. When disparity exists, it may occur at any decision point in the juvenile justice system. Moreover, it may exist at wholly different points in different jurisdictions.

2. Disparity may comprise either large differences in processing at some one stage in the system, or more likely, a series of accumulations of relatively small differences in processing, with a relatively large net effect.

3. Because each jurisdiction may set out many of its own specific rules and practices, the search for disparity may require identifying jurisdictions that may need more intense scrutiny. Each locality, in essence, has its own version of the juvenile justice system and each behaves differently.

As a whole, these conclusions suggest an analytic strategy that considers the total juvenile justice system, yet allows examination of its constituent parts to permit identification of jurisdictions for more intense examination. Moreover, the fluidity of the system suggests the need for an analytic model that can be easily reexamined periodically.

Proposed analytic model

Analysis meeting these criteria will first require a simplified model of the juvenile justice system. The existing multiplicity of options and decision points may obscure the basic operations and make it impossible to observe patterns of decisionmaking. To simplify, look at the juvenile justice system as a series of decisions (usually dichotomous). For example, segments of the juvenile justice system may be considered thus:

1. A decision to arrest a juvenile or to order the juvenile to appear in the juvenile court for intake processing.

2. An intake decision to handle the case at intake or to process it further.

3. A decision to remove the juvenile from his or her current residence during processing (for example, detention or shelter home care) as opposed to allowing the current residential arrangements to continue.

4. A decision to file a formal petition of delinquency or engage in other formal action (such as waiver) as opposed to seeking informal resolution.

5. A decision to resolve the case by one of several dispositions, including informal probation, formal probation, or custody transfer.

Figure 1: Racial Composition of Population at Stages in the Juvenile Justice System, Scenario 1

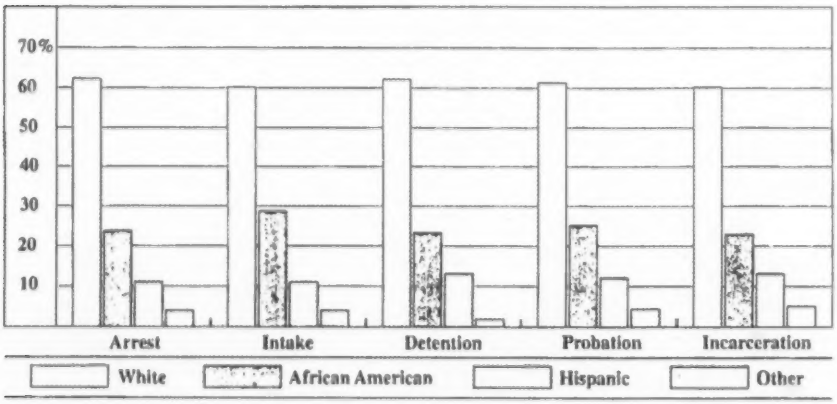

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Figure 2: Racial Composition of Population at Stages in the Juvenile Justice System, Scenario 2

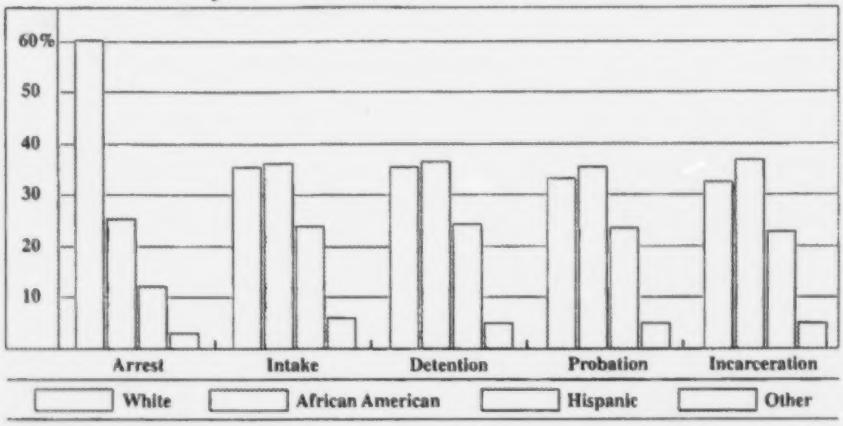
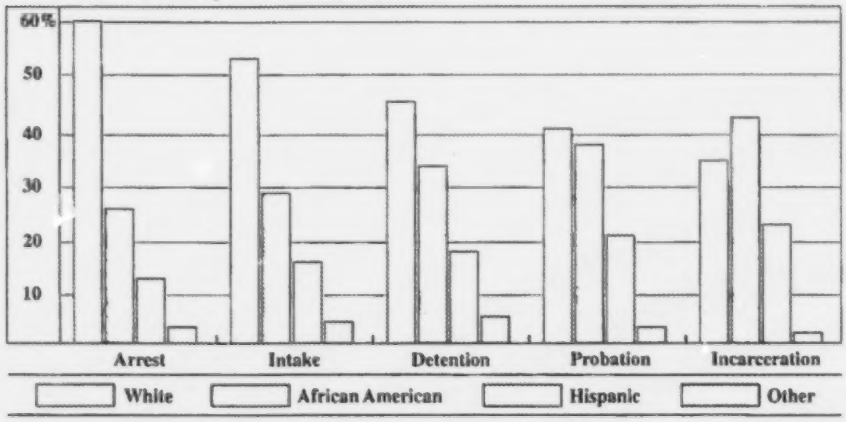


Figure 3: Racial Composition of Population at Stages in the Juvenile Justice System, Scenario 3



The simplest analytic strategy shows the relationship of these decisions by comparing the proportions of minority and majority youth receiving various types of treatment. One can construct alternative scenarios such as those presented in figures 1 through 3.

In this hypothetical set of information, one then compares the proportions of minority youth arrested with the proportion whose cases are resolved at intake or the proportions detained. In the first figure, the hypothetical example shows that the proportion of minority youth detained, placed on probation, and incarcerated is clearly very stable as one progresses from the beginning of the system toward incarceration. A jurisdiction with such results would reasonably conclude that there is little evidence of disproportionate processing.

In the second figure the data portray a situation in which the proportion of minority youth dramatically increases between arrest and intake, then remains relatively constant. In this situation, clearly the major focus of attention would be to examine the decisionmaking processes in the intake procedure. Intake

would probably be the focus of whatever intervention took place to reduce disparity, whether to change policy, procedures, personnel training, or something else. Of course after this intervention, it would be important to reexamine that jurisdiction to ensure that disparate processing had not shifted to another decision point.

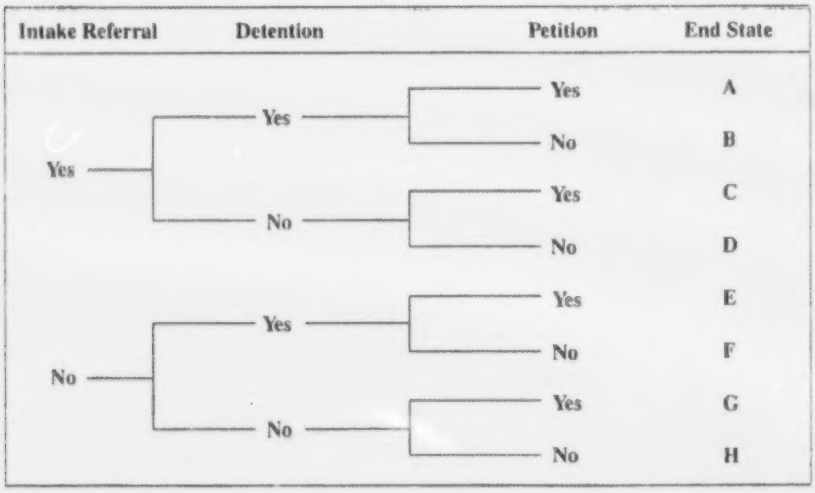
In the third figure, the hypothetical data portray a somewhat different pattern, leading to different conclusions. In this instance, the proportion of minority youth steadily increases at each stage of the juvenile justice system. None of the increases is substantially larger than any of the others, suggesting that there is no single point at which efforts to reduce disparities might begin. In essence this figure reflects the process of accumulated disadvantages noted earlier. A jurisdiction obtaining such results would be led into a detailed review of decision processes at each stage of the juvenile justice system.

The model in figures 1 through 3, however, presents several problems. First, the model does not address the odds of transition from one stage to another in the juvenile justice system. Moreover, it does not allow consideration of the effects of one decision process on later decisions. The model, however, may be used with either computer-based data or with tallies of activity at each stage.

A second analytic model

An analytic model that goes beyond the first and resolves many of the problems associated with it is a branching network or decision-tree model. The operations of such a model presume the existence of transactional data and a simplified view of the juvenile justice system. Inasmuch as most juvenile justice data bases begin with the second stage described above (that is, excluding arrest), we may show the relationships of the next three decision points as a series of branches like those in figure 4.

Figure 4: Sample Decision-Tree Model



This model cannot really specify situations in which discrimination definitely occurs, but rather can only suggest those situations. It must then be used as an indicator of potential discrimination, rather than as a final arbiter.

Here we have not only described all the possible decision combinations, but we have also created a mechanism by which we can summarize the operation of the system in general. The column labeled "End State" contains eight mutually exclusive categories. Taken together, these contain all of the information describing the operation and interrelationship of these three decision points.

This model may be used in two very different but useful ways with regard to considering disparities in processing. First, we may examine the probability of moving from one condition into the next. For example, given that a juvenile is referred out of intake and is removed from the current living arrangements (detained), we can calculate the probability that a petition will be filed in this case. This probability may be quite different from that in the case of a juvenile who is referred out of intake, but who is not placed in detention.

More important, we can calculate these probabilities separately for majority and minority youth. A comparison of these probabilities may identify particular combinations of decisions that are likely to disadvantage minority youth. These obviously would be those decisions in which the probability of moving to the next stage is most dissimilar for majority and minority youth.

The model presents us with another opportunity, however, aside from examining individual decision points. By focusing on the "end states," we can determine the extent to which the system appears, overall, to operate differently for majority and minority youth. This perspective allows us to address the accumulation of small disadvantages earlier addressed in conclusion 2. (See page 4.)

It is important to keep in mind, however, that this model has defects. Perhaps the most serious of these is that the model simplifies potentially complex decisions into discrete categories (preferably, again, dichotomies). For example, removing juveniles from their current residential situations may put them in secure detention, nonsecure detention, a crisis shelter, or placement with a foster family or even a relative. Each of these has a somewhat different meaning, yet all of them involve at least temporary (and involuntary) changes in the juveniles' residences. This simplification is necessary in order to capture the general direction of the set of juvenile justice decisions. The alternative is a proliferation of categories at each stage that would render the model completely useless.

This also implies that this model cannot really specify situations in which discrimination definitely occurs, but rather can only suggest those situations. It must then be used as an indicator of potential discrimination, rather than as a final arbiter of its presence.

Application of the model

To illustrate the development and use of the model, we obtained two data sets through the cooperation of the National Juvenile Court Data Archive (NJCDA). The data sets came from California and Florida, both for calendar 1985. The NJCDA staff recommended these data sets for several reasons, particularly the quality of the data reported at the State level and the relatively high proportions of minority youth in each State.[3]

[3] The choice of these States does not imply that they represent any greater or lesser level of disparity in the treatment of minority youth, only that data were readily available.

Results of the analysis for both States underscored the following:

- For both States, differences appear between minority and majority youth, with minority youth generally receiving the more severe dispositions.
- The earlier stages (intake and detention) show more pronounced differences than the latter stages (adjudication and disposition).
- In neither State did disparities in the treatment of minority youth occur at just one decision point. Rather, they display an accumulation of differences in how cases are handled.
- For both California and Florida, marked differences with regard to severity of dispositions appear among the counties when compared to the overall State pattern.[4]

The processing differences between minority and majority youth do not establish the existence of discrimination in the California and Florida juvenile justice systems. Rather, the analysis points to disparities in *outcome* and serves as a model for further investigation.

The more our reporting systems aggregate (combine) data, from place to city to county to State, the more likely that evidence of racial disparity will be lost or hidden.

The research and policy agenda

Research guidelines

Given the earlier discussion of the research literature and the analysis of the California and Florida juvenile justice systems, a number of issues can be identified to guide future research on minorities in the juvenile justice system. We write "guide" rather than "direct" because perfect research designs do not exist and probably never will. In addition, the way juvenile justice agencies compile information does not lend itself completely to social science-based research. Critical pieces of information are sometimes missing, variables not specified in detail, information not consistently reported. Given these "real world" drawbacks, competent research is still possible while recognizing its limitations. The issues identified below should help future researchers.

The problem of aggregation and disaggregation

Future research on minorities and juvenile processing must pay more attention to the fact that race effects may be masked when information is combined on a statewide or county basis.

The more our reporting systems aggregate (combine) data, from place to city to county to State, the more likely that evidence of racial disparity will be lost or hidden. Future research needs to pay attention to masking effects when dealing with aggregated data of any sort. Researchers should examine the data as finely as possible to determine the extent to which race effects are present. If this is not possible, researchers should recognize the limitations of the findings due to possible masking effects.

[4] Refer to the full report for a detailed presentation of the analysis and results.

Police are the gatekeepers controlling who is funneled into the juvenile courts. If (their) decisions are in any way racially biased, minority youth may be more at risk later during the correctional processing.

Multiple decision points

Research efforts should focus on the juvenile justice system in its entirety by examining multiple processing stages.

Research that does not examine multiple decision points in juvenile processing may be suspect. At the very least, the findings have to be considered incomplete. Again, race effects at any one stage of processing may be canceled out or enhanced at later stages. Only by examining multiple decision points can we gain a more complete picture of how minority status does or does not influence outcome decisions.

Quantitative vs. qualitative approaches

While not ignoring quantitative or statistical approaches, research should also incorporate sound qualitative strategies (field and observational studies) into its designs.

More qualitative approaches are needed in examining minority status and juvenile justice processing. Researchers should go beyond a quantitative analysis of case records and incorporate a qualitative approach. Ideally, a triangulated research design will use a variety of quantitative and qualitative approaches. Funding agencies should recognize the importance of this strategy and encourage researchers to pursue it.

Police and correctional processing

While research focusing on juvenile court processing should continue to be encouraged, more research should target police-juvenile encounters and correctional processing.

Without downplaying the continued importance of research focusing on minority status and court processing, attention should also be given to the earlier and later stages in the system. Police are the gatekeepers controlling who is funneled into the juvenile courts. If such decisions are in any way racially biased, minority youth may be more at risk later during the correctional processing stages. Similarly, differences in the correctional experiences of white and nonwhite youth may have important implications. Thus, research designs focusing on the police encounter and juvenile corrections should be stressed.

Multivariate models and indirect effects

Research examining data on minority youth and the juvenile process should employ techniques that are capable of detecting direct, as well as more subtle and indirect, race effects.

Research that fails to take into account proper control variables will remain suspect. Fortunately, most current research focusing on minorities and juvenile processing does employ multivariate models that accomplish this task. Researchers seem to be aware of the necessity to do so. Similarly, more research is examining both direct and indirect race effects and acknowledging the fact that race may interact with other case characteristics to the disadvantage of minority youth. In sum, as a methodological strategy, multivariate models should be encouraged, especially those that are sensitive to indirect effects.

Organizational characteristics

Research should be attentive to the organizational structure within which juvenile justice decisions are reached, as well as environmental influences in the communities of which they are a part.

While the importance of both internal and external environmental pressures have been recognized, they have not been adequately researched. As our examination of the research literature revealed, few studies have taken these factors into account. Part of the problem lies in the difficulty of coding and measuring organizational characteristics. Still, it is important that future research address such factors if we are to increase our understanding of how decisions are made, especially those pertaining to race.

Identification of minority groups

Research should attempt to focus on minorities other than African Americans.

By far, the majority of the research literature has targeted African-American youth while virtually ignoring Hispanics, Asian/Pacific Islanders, and Native American populations. While there are reasons for this, future research on juvenile processing should include these additional groups. Also, researchers should specify the operational definitions that lead to the identification of the youth being studied.

Family background

Research should attempt to include information on the family characteristics of those minority youth processed through the system.

When possible, information should be obtained on the family situation of those minority and majority youth who are being processed through the juvenile justice system. At a minimum, this should include whether the home is intact and with whom the youth resides. Information should also be collected on whether parents or guardians are willing or have the resources to provide support. A body of research indicates that youth from single-parent homes, especially if female-based, often face more severe dispositions than those from intact homes. These homes may have fewer resources to provide needed support. Since African-American youth are proportionately more likely to reside in single-parent homes, they may be more at risk than white youth. In other words, family situation may be one mechanism through which race indirectly affects outcome decisions.

Jurisdictional differences

Research should focus on rural and suburban jurisdictions as well as on major metropolitan areas.

The bulk of research to date has examined race and juvenile processing in major metropolitan areas. Although certain minority groups such as African Americans are more likely to be found among urban populations, this is not necessarily true for Hispanics, Native Americans, or African Americans living in the South. Thus, future research should give some attention to the way in which race may affect decisionmaking in rural and suburban settings.

Youth from single-parent homes, especially if female-based, often face more severe dispositions. Since African-American youth are more likely to reside in such homes, they may be more at risk than white youth.

So long as the juvenile justice system is fragmented and administered on a local level, programs and policies cannot be applied across the board.

Sample selection bias

Research should take into account changes in sample size as cases are processed through the system.

Within the juvenile justice system, sample sizes change as youth are screened and filtered out at various processing stages. Thus, probabilities change at different decision points. Most previous research has not taken into account sample-attrition bias. One way of doing this is by computing a hazard rate, the probability that each case is eliminated at various stages. Another possibility would be to draw supplementary samples at later stages in the system. Future research designs should take this into account, if possible, in order to avoid misspecification.

Policy guidelines

The first steps in developing program initiatives to address differential processing would be to educate local communities and juvenile justice agencies (including police, courts, corrections, and other agencies) so that they understand the nature of the problem, to develop a review and monitoring procedure, and to conduct training exercises to reduce the potential for disparate treatment. The following recommendations are offered for consideration:

1. As long as the juvenile justice system is fragmented and administered on a local level, programs and policy cannot be applied across the board but must be adapted to local communities. Therefore, States and local communities must conduct a self-assessment to determine if there is a problem with racially disproportionate representation and, if so, the exact nature of the problem. The means to accomplish these tasks would include the following steps:

- ☐ A systematic monitoring procedure should be developed to determine, at regular intervals, the percentage of minority and majority youth being processed at each stage of the juvenile justice system. As the literature review suggests, disproportionate representation may be evident at some stages but not at others. Therefore, it is important to target the decision points at which major disparities occur.
- ☐ A critical examination should be made of the local stages with the widest gaps between minority and majority youth. This would include a detailed evaluation of the criteria used in reaching those decision points in order to determine the role that minority status plays, by itself or in conjunction with other factors.
- ☐ A research program should be implemented to test the race-bias hypothesis. This model could be implemented at both the State and local levels.

2. If race bias is found to be a factor within any jurisdiction's juvenile justice system, programs should be implemented to eliminate it. Examples may include the following program recommendations:

- ☐ Consideration should be given to providing staff training to develop sensitivity to the issues of race within the system. In addition, efforts should be made to increase the representativeness of minority staff.

- Workshops modeled after sentencing institutes in the adult system should be held for juvenile court personnel (probation officers, judges, etc.). Such workshops would promote discussion and evaluation of decisionmaking with regard to minority youth.
- Where disparities appear to exist with regard to individual decisionmakers (such as those typically found in intake and detention), it may be feasible to restructure the decisionmaking process to include multiple decisionmakers. Thus, decisionmaking would not be the sole responsibility of one person, but rather a "check and balance" system. It may then be possible to establish a procedure for routine audit and review of these decisions to ensure fairness.
- Each jurisdiction should carefully evaluate the criteria used in reaching decisions at any given stage. This is particularly important given the fact that decisionmaking is much less constrained within the juvenile than the adult criminal justice system. Consideration should be given to developing guidelines to help decisionmakers reach outcome decisions. This is particularly important with regard to detention decisions, because previous research consistently demonstrates the importance of early detention on subsequent outcomes and that within many jurisdictions these decisions are relatively unconstrained. Development of a guideline-based approach to decisionmaking should be geared toward keeping youth from further penetration into the system. In other words, guidelines should state that youth may be detained only if they meet very specific criteria.

Workshops modeled after sentencing institutes in the adult system should be held for juvenile court personnel.

Postscript

While a draft of this report was completed in October 1989, comments and suggestions from outside reviewers, as requested by OJJDP, were received in February 1991. We then began making the final revisions for this report. Because of time pressures for publication and numerous requests for the final document, OJJDP and the principal investigators decided not to update the research and analyses or make any major substantive changes. We are aware, however, of additional research since this report was made final. On review, we believe this new research does not change the earlier findings and recommendations in any substantive manner. Moreover, we believe that the most recent research demonstrates that minority status does make a difference in outcome decisions and documents the need for more attention to this critical issue. In future publications we will address this additional body of literature. The following is a discussion of policy issues and research findings regarding minority overrepresentation in the juvenile justice system.

Policy background

The Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 1988, directed States that sought juvenile justice formula grants to address the overrepresentation of minority youth incarcerated within the juvenile justice system.[5] Regulations for complying with that requirement provided for two phases. Under Phase I, States must demonstrate whether minority youth were

[5] JJDP Act § 223(a)(23).

When juvenile offenders were alike in terms of age, gender, and seriousness of the offense and their prior records, the probability of receiving the harshest disposition was higher for nonwhite than for white youth.

—Bishop and Frazier, 1990.

overrepresented in secure facilities with regard to their population base. In event of such overrepresentation, a State must take steps to account for it. Under Phase II, this typically took the form of examining additional stages in the juvenile process (that is, intake, detention, adjudication, and disposition), which often involved additional data collection.

To date, three States (Florida, Georgia, and Missouri) have completed research projects, thus complying with Phase II requirements. Together these projects lend further support to the argument that minority status does make a difference within the juvenile justice system.

Current research

Bishop and Frazier (1990) used statewide data over a 3-year period to examine case processing through Florida's juvenile justice system. Their analysis revealed that race (if nonwhite) did make a difference with regard to outcome decisions. According to Bishop and Frazier (1990, 3):

> Nonwhite juveniles processed for delinquency offenses in 1987 received more severe (i.e., more formal and/or more restrictive) dispositions than their white counterparts at several stages of juvenile processing. Specifically, we found that when juvenile offenders were alike in terms of age, gender, seriousness of the offense which prompted the current referral, and seriousness of their prior records, the probability of receiving the harshest disposition available at each of several processing stages was higher for nonwhite than for white youth.

These disparities were found to exist for petition, secure detention, commitment to an institution, and transfers to adult court.

A second stage of this study included a telephone survey with a random sample of juvenile justice decisionmakers (e.g., intake workers, judges, and the like). Interestingly, most respondents thought that race did make a difference within Florida's juvenile justice system. Responses indicated that race differences were tied to the lack of social and economic resources as well as prejudicial attitudes within the system (Bishop and Frazier 1990, 5). Among the policy recommendations of this project, the need was cited to establish clearer criteria to guide decisionmaking and to provide cultural diversity training. One of the more controversial recommendations centered on the lack of resources available to minority youth. In essence, the recommendation was that economic and family situation (e.g., whether the family is able or willing to provide support) should not have a negative impact on nonwhite youth.

Lockhart et al. (1990) examined racial disparity within Georgia's juvenile justice system. With 1988 as the base year, this study analyzed juvenile case records across Georgia's 159 counties. In addition, survey data were obtained through mailed questionnaires sent to court workers and juvenile court judges. Analysis of the case records revealed that a major determinant of outcome was the severity of the current charge and the extent of prior contact with the juvenile justice system. Compared to white youth, African-American youth tended to have more prior contact and to be arrested for more severe offenses.

As the authors note:

> Thus, gross racial disparities do exist in Georgia's juvenile justice system. The fact that law enforcement officials have considerable discretion in the determination of how many and what types of charges to place against an alleged offender complicates the interpretation of such disparities. Black youth either are committing more serious crimes at younger ages than are white youth, or they are being charged with more serious crimes at younger ages than are white youth. In the former instance, we have understandable disparity. The second scenario constitutes racial discrimination. (Lockhart et al. 1990, 10).

These results point to the possibility that offense and prior record are not legally neutral factors. If bias influences these decisions, then race differences will be accentuated throughout the system.

Finally, Kempf, Decker, and Bing (1990) examined the processing of minority youth through the Missouri juvenile justice system. This study examined processing differences between African-American and white youth across eight juvenile circuit courts with varying degrees of urbanization. Results in the urban courts demonstrated that, all else being equal, African-American youth were more likely than their white counterparts to be held in detention and were also more likely to be referred for felony offenses. Parental influences were also found to affect outcome decisions such as parental willingness to provide support and whether the youth resided in an intact home. For rural courts, however, African Americans received more severe outcomes at the disposition stage in that they were more likely than white youth to be placed out of the home. As Kempf, Decker, and Bing note (1990, 18):

> As shown in this study, race and gender biases do exist within juvenile justice processing in Missouri. They are less obvious than the glaring rural and urban differences, but they are no less important. Evidence exists that decision processes are systematically disadvantaging youths who are either Black, female, or both. They receive harsher treatment at detention, have more petitions filed "on their behalf," and are more often removed from their family and friends at disposition.

Perhaps one of the major findings of the Missouri study is the difference between the urban and rural courts. In essence, two different types of juvenile courts operate in Missouri—a legalistic court in urban areas and a traditional pre-Gault model in rural areas—each of which provides differential treatment that places African-American youth at greater risk.

Thus, recent research findings from Missouri, Georgia, and Florida again demonstrate that there are problems with the juvenile justice system and the manner in which it processes minority youth. Currently, a number of other States (Michigan, Ohio, California, Pennsylvania, and Iowa) are in various stages of research in addressing issues pertaining to minorities and the juvenile justice system, and these reports will be forthcoming.

Evidence exists that decision processes are systematically disadvantaging youths who are either Black, female, or both.

—Kempf, Decker, and Bing, 1990.

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More detailed information about this study and issues surrounding minorities in the juvenile justice system is available through the Juvenile Justice Clearinghouse.

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